

REMARKS

Favorable reconsideration is respectfully requested in light of the following comments. No claim amendments are presented herein.

Applicant respectfully traverses the Examiner's rejection of claims 1-5 and 13-21 under 35 U.S.C. §102(e) as being anticipated by Walak et al. (U.S. Patent No. 6,540,767). In order to anticipate, the cited reference must disclose each and every claimed feature. Walak et al. fail to so do.

In particular, the claimed invention is directed to an intravascular filter that has an elongate member, an anchoring member attached to the elongate member and a cutting member that is disposed on the elongate member and that generally faces towards a central axis of the filter. At a minimum, the cited reference fails to disclose the claimed cutting member.


While the Examiner has asserted that Walak et al. disclose a cutting member, this assertion is simply not correct. The Examiner is apparently relying upon Figure 1 of Walak et al. to disclose the claimed invention, yet there is no cutting member in the Figure. In short, the reference does not appear to describe or disclose the claimed cutting member. This is a claimed feature missing from the cited reference, and thus Walak et al. cannot be considered as anticipating the claimed invention. Favorable reconsideration is respectfully requested.

Applicant respectfully traverses the Examiner's rejection of claims 6-12 under 35 U.S.C. §103(a) as being unpatentable over Walak et al. (U.S. Patent No. 6,540,767). Claim 1, from which claims 6-12 depend and further limit, is distinguished above as being patentable over Walak et al. As claims 6-12 include the elements of claim 1, and also add additional features, claims 6-12 are similarly patentable over the cited reference. Favorable reconsideration is respectfully requested.

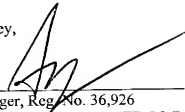
Reexamination and reconsideration are respectfully requested. It is respectfully submitted that the claims are now in condition for allowance, and issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

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By  Attorney,

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